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Attorneys for Defendants  
WELLS FARGO DEFENDANTS AND THE  
INDIVIDUAL DEFENDANTS

[Additional counsel listed on signature page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE WELLS FARGO MORTGAGE-  
BACKED CERTIFICATES LITIGATION

Civil Action No. 09-01376 (SI)

**CONSOLIDATED CLASS ACTION ECF**  
**STIPULATION AND [PROPOSED]**  
**ORDER REQUESTING A**  
**CONTINUANCE OF THE HEARING ON**  
**THE MOTIONS TO DISMISS AND**  
**CASE MANAGEMENT CONFERENCE;**  
**DECLARATION OF DAVID H. FRY IN**  
**SUPPORT THEREOF**

Judge: Hon. Susan Illston

1 WHEREAS, on August 31, 2009, the Alameda County Employees' Retirement  
2 Association, the Government of Guam Retirement Fund, the New Orleans Employees'  
3 Retirement System, and the Louisiana Sheriffs' Pension and Relief Fund ("Lead Plaintiffs") filed  
4 the Consolidated Class Action Complaint For Violations of §§ 11, 12(a)(2) And 15 Of The  
5 Securities Act Of 1933 ("Complaint");

6 WHEREAS, on October 30, 2009, Defendants moved to dismiss the Complaint, Lead  
7 Plaintiffs have opposed such motions, and the motions are fully briefed;

8 WHEREAS, the Court issued a notice on January 26, 2010 continuing the hearing and  
9 Case Management Conference from January 29, 2010 to February 19, 2010;

10 WHEREAS, Thomas O. Jacob, in-house counsel at Wells Fargo & Co., is counsel of  
11 record for Defendants Wells Fargo Asset Securities Corporation and Wells Fargo Bank, N.A. (the  
12 "Wells Fargo Defendants") and will be out of the country on February 19, 2010;

13 WHEREAS, the next date on which all defense counsel are available is March 19, 2010;

14 WHEREAS, the Wells Fargo Defendants requested, and Lead Plaintiffs have agreed, to  
15 request to continue the hearing and Case Management Conference to March 19, 2010.

16 THEREFORE, IT IS HEREBY STIPULATED, by and between the undersigned counsel  
17 for the parties herein, that:

18 The parties request that the hearing scheduled for February 19, 2010 be continued to  
19 March 19, 2010 at 9:00 a.m. and the Case Management Conference scheduled for February 19,  
20 2010 be continued to March 19, 2010 at 2:30 p.m.

1 Dated: February 11, 2010

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13 /s/ David R. Stickney

14 DAVID R. STICKNEY

15 *Attorneys for Lead Plaintiffs Alameda*  
16 *County Employees' Retirement Association,*  
17 *Government of Guam Retirement Fund, New*  
18 *Orleans Employees' Retirement System and*  
19 *Louisiana Sheriffs' Pension and Relief Fund*

20 Dated: February 11, 2010

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/s/ David H. Fry

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10 /s/ David McCarthy

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12 *Inc.*

13 Dated: February 11, 2010

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22 /s/ David T. Biderman

23 DAVID T. BIDERMAN

24 *Attorneys for Defendant*  
25 *The McGraw-Hill Companies, Inc.*

1 Dated: February 11, 2010

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7  
8 /s/ Andrew J. Ehrlich

ANDREW J. EHRLICH

9  
10 TAYLOR & COMPANY LAW OFFICES, LLP  
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14 *Attorneys for Defendant Fitch, Inc.*  
15 *(d/b/a Fitch Ratings)*

16  
17 Filer's Attestation: Pursuant to General Order No. 45, Section X(B), regarding signatures, I  
18 attest under penalty of perjury that concurrence in the filing of the document has been obtained  
19 from each of the other signatories listed above.

20  
21 /s/ David H. Fry

DAVID H. FRY

**DECLARATION OF DAVID H. FRY**

I, DAVID H. FRY, DECLARE AS FOLLOWS:

1. I am an attorney duly licensed to practice in the State of California and before the United States District Court for the Northern District of California. I am an attorney with the law firm of Munger, Tolles & Olson LLP, and counsel of record for Defendants Wells Fargo Asset Securities Corporation, Wells Fargo Bank, N.A., David Moskowitz, Franklin Codel, Douglas K. Johnson, and Thomas Neary in the above-captioned action. I have personal knowledge of the matters stated below except those matters stated on information and belief which I am informed and believe are true. If called as a witness in this action, I could and would testify competently to the contents of this declaration.

1. On September 17, 2009, the Court issued an order setting a hearing for Defendants' motions to dismiss and a Case Management Conference on January 29, 2010. On October 5, 2009, the parties filed a stipulation agreeing to revise the previously negotiated briefing schedule but retaining the January 29, 2010 date set by the Court, and the Court signed an order to this effect on October 7, 2009. On January 26, 2010, the Court issued a notice continuing the hearing and Case Management Conference to February 19, 2010;

2. I am informed and believe that Thomas O. Jacob, in-house counsel at Wells Fargo & Co. and counsel of record for Defendants Wells Fargo Asset Securities Corporation and Wells Fargo Bank, N.A., will be out of the country on February 19, 2010. I have communicated via electronic mail with all defense counsel, and based on their various responses, I am informed and believe that the next Friday on which all are available is March 19, 2010.

3. Continuing the hearing on the motions to dismiss and the Case Management Conference would not affect or displace other deadlines in this case, as none has been set yet.

1 I declare under penalty of perjury that the foregoing is true and correct, and that this  
2 declaration was electronically executed this 11th day of February 2010, in San Francisco,  
3 California.

4  
5 DATED: February 11, 2010

MUNGER, TOLLES & OLSON LLP

6  
7 By: /s/ David H. Fry  
8 DAVID H. FRY

9 *Attorney for the Wells Fargo Defendants and the*  
10 *Individual Defendants*  
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**[PROPOSED] ORDER**

In accordance with the parties' stipulation, it is hereby ORDERED that:

The hearing scheduled for February 19, 2010 is continued to March 19, 2010 at 9:00 a.m. and the Case Management Conference scheduled for February 19, 2010 is continued to March 19, 2010 at 2:30 p.m.

IT IS SO ORDERED.



DATED: \_\_\_\_\_, 2010

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THE HONORABLE SUSAN ILLSTON  
United States District Court Judge